

MEMO ENDORSED

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February 6, 2013

Electronic Mail to NathanNYSDCchambers@nysd.uscourts.gov

Honorable Alison J. Nathan
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: TufAmerica, Inc. v. Diamond, et al., 12cv3529 (AJN) – Request to revise briefing schedule

Dear Judge Nathan,

I am counsel for plaintiff TufAmerica, Inc., and write in connection with the pending motion to dismiss filed by defendants. I am writing to request an adjournment of the due date for defendants' reply papers from February 15 (the original date) to February 18, 2013.

I mistakenly calendared plaintiff's response date for this motion as Monday, February 4 rather than Friday, February 1 as ordered by Your Honor. When defendants' counsel alerted me to my error over the weekend, I completed, served, and filed plaintiff's response to the motion on Sunday, February 3. I apologize for this error. As a result, and at my invitation, defendants' counsel have reasonably requested the extension proposed above. I am thus making this request on defendants' behalf, with their consent, and join in it.

This is the first request for an extension of a due date in connection with this motion.

Please contact me with any questions concerning the enclosed.

Respectfully yours,

/s/ Kelly D. Talcott

Kelly D. Talcott

c: All counsel (via email)

SO ORDERED: 2/6/13
HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE